

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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| UNITED STATES OF AMERICA | : | CRIMINAL NO. |
| v. | : | DATE FILED: |
| JOSE RAMON RIVAS | : | Violations: |
| a/k/a "Ray" | | 21 U.S.C. § 846 (Conspiracy |
| DARRIN CULLER | : | to distribute cocaine base ("crack") - |
| a/k/a "Chris" | | 1 count) |
| JUAN JOHNSON | : | 21 U.S.C. § 841(a)(1) (Distribution |
| a/k/a "Voo" | | of cocaine base ("crack") - 5 counts) |
| | | 18 U.S.C. § 2 (Aiding and abetting) |
| : | | Notices of Prior Conviction |
| | | Notice of Forfeiture |

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. From at least on or about April 25, 2002, through on or about September 20, 2002, at Philadelphia, in the Eastern District of Pennsylvania and elsewhere, defendants
JOSE RAMON RIVAS,
a/k/a "Ray,"
DARRIN CULLER,
a/k/a "Chris," and
JUAN JOHNSON,
a/k/a "Voo,"

conspired and agreed, together and with others known and unknown to the grand jury, to knowingly and intentionally distribute more than 50 grams, that is, approximately 257 grams, of a mixture or substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance, in violation of Title 21, United States Code, Section 846.

MANNER AND MEANS

It was part of the conspiracy that:

2. Defendant JOSE RAMON RIVAS used defendants DARRIN CULLER and JUAN JOHNSON to sell ounce quantities of cocaine base ("crack") for him to customers in Philadelphia.

3. Defendants DARRIN CULLER and JUAN JOHNSON spoke with defendant JOSE RAMON RIVAS' customers by cellular phone and arranged to deliver to them ounce quantities of cocaine base ("crack").

4. Defendants DARRIN CULLER and JUAN JOHNSON delivered to defendant JOSE RAMON RIVAS' customers ounce quantities of cocaine base ("crack") by using their vehicles to meet the customers in South Philadelphia.

5. Defendants JOSE RAMON RIVAS, DARRIN CULLER and JUAN JOHNSON sold ounce quantities of cocaine base ("crack") for \$800 to \$900 an ounce.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its object, the following overt acts, among others, were committed in the Eastern District of Pennsylvania and elsewhere:

1. On or about April 25, 2002, defendant DARRIN CULLER sold approximately 41.2 grams of cocaine base ("crack") to a DEA informant for \$1,200 at 7th and Reed Streets in Philadelphia.

2. On or about June 25, 2002, defendant DARRIN CULLER sold approximately 54.3 grams of cocaine base ("crack") to a DEA informant for \$1,600 at 7th and Reed Streets in Philadelphia.

3. On or about August 7, 2002, defendants DARRIN CULLER and JOSE RAMON RIVAS met with a DEA informant and sold approximately 80.1 grams of cocaine base ("crack") to the informant for \$2,400 at 7th and Reed Streets in Philadelphia.

4. On or about September 11, 2002, defendant JOSE RAMON RIVAS spoke with a

DEA informant by telephone and agreed to sell the informant three ounces (approximately 84 grams) of cocaine base ("crack") for \$2,400.

5. On or about September 12, 2002, defendant JUAN JOHNSON sold approximately 82.4 grams of cocaine base ("crack") to a DEA informant for \$2,400 at 7th and Reed Streets in Philadelphia.

6. On or about September 12, 2002, after defendant JUAN JOHNSON completed the sale of approximately 82.4 grams of cocaine base ("crack") to the DEA informant for \$2,400 at 7th and Reed Streets in Philadelphia, defendant JOSE RAMON RIVAS called the DEA informant to ask if everything went "okay" with the purchase of the cocaine base ("crack") and to tell the informant to contact defendant RIVAS in the future if the informant needed additional cocaine base ("crack").

7. On or about September 20, 2002, defendant JUAN JOHNSON sold approximately 54.8 grams of cocaine base ("crack") to a DEA informant for \$1,400 in the 2100 block of Morris Street in Philadelphia.

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 25, 2002, at Philadelphia, in the Eastern District of Pennsylvania,
defendant

DARRIN CULLER,
a/k/a "Chris,"

knowingly and intentionally distributed more than 5 grams, that is approximately 41.2 grams, of
a mixture or substance containing a detectable amount of cocaine base ("crack"), a Schedule II
controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about June 25, 2002, at Philadelphia, in the Eastern District of Pennsylvania,
defendant

DARRIN CULLER,
a/k/a "Chris,"

knowingly and intentionally distributed more than 50 grams, that is approximately 54.3 grams, of a mixture or substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about August 7, 2002, at Philadelphia, in the Eastern District of Pennsylvania,
defendants

DARRIN CULLER,
a/k/a "Chris," and
JOSE RAMON RIVAS,
a/k/a "Ray,"

knowingly and intentionally distributed, and aided and abetted the distribution of, more than 50

grams, that is approximately 80.1 grams, of a mixture or substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A), and Title 18, United States Code, Section 2.

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about September 12, 2002, at Philadelphia, in the Eastern District of Pennsylvania,
defendant

JUAN JOHNSON,
a/k/a "Voo,"

knowingly and intentionally distributed, and aided and abetted the distribution of, more than 50 grams, that is approximately 82.4 grams, of a mixture or substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A), and Title 18, United States Code, Section 2.

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about September 20, 2002, at Philadelphia, in the Eastern District of Pennsylvania,
defendant

JUAN JOHNSON,
a/k/a "Voo,"

knowingly and intentionally distributed more than 50 grams, that is approximately 54.8 grams,
of a mixture or substance containing a detectable amount of cocaine base ("crack"), a Schedule II
controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

NOTICE OF PRIOR CONVICTION

Defendant JUAN JOHNSON, a/k/a "Voo," committed the offenses charged in Counts One, Five and Six of this Indictment after having been convicted in the Municipal Court in Philadelphia County, Pennsylvania, of a felony drug trafficking offense as follows:

1. Possession with intent to distribute a controlled substance - Philadelphia Municipal Court, MC# 9712-5352. Defendant was convicted and sentenced to two years probation on or about May 26, 1999, before the Honorable Harry Schwartz.

NOTICE OF PRIOR CONVICTION

Defendant JOSE RAMON RIVAS, a/k/a "Ray," committed the offenses charged in Counts One and Four of this Indictment after having been convicted in the United States District Court for the Southern District of Florida of a felony drug trafficking offense as follows:

1. Conspiracy to distribute more than 500 grams of cocaine in the United States District Court for the Southern District of Florida. Defendant was convicted and sentenced to 60 months imprisonment, followed by 4 years supervised release on or about December 13, 1991.

NOTICE OF FORFEITURE

1. As a result of the violations of Title 21, United States Code, Sections 846 and 841(a)(1), set forth in Counts One through Six of this Indictment, the defendants

JOSE RAMON RIVAS,
a/k/a "Ray,"
DARRIN CULLER,
a/k/a "Chris," and
JUAN JOHNSON,
a/k/a "Voo,"

shall forfeit to the United States of America:

(a) any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of the violations of Title 21, United States Code, Sections 846 and 841(a)(1) as charged in this Indictment;

(b) any property constituting, or derived from, any proceeds obtained directly or indirectly as the result of the violations of Title 21, United States Code, Sections 846 and 841(a)(1) as charged in this Indictment, including but not limited to:

(1) \$7,600 in United States currency used by the government's agents to purchase cocaine base ("crack") from the defendants JOSE ROMAN RIVAS, DARRIN CULLER and JUAN JOHNSON between on or about April 25, 2002 and on or about September 20, 2002.

2. If any property subject to forfeiture, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States of America, pursuant to Title 21, United States Code, Section 853(p) to seek forfeiture of any property of said defendants, up to the value of said property listed above as being subject to forfeiture.

All pursuant to Title 21, United States Code, Section 853.

A TRUE BILL:

GRAND JURY FOREPERSON

PATRICK L. MEEHAN

United States Attorney